**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

WRIT PETITION No. 19643 of 2004

Between:

The Platinum Co-operative Housing Society Limited,
Regd.No. TJ-487/1973, Rep. by its President Ruknuddin Hemani,

S/o Mohd. Ali Hemani, 7-14-1304/3, Khoja Colony,

Nizamabad.

..... PETITIONER

AND

1 The Divisional Co-Operative Officer, NIZAMABAD.
2 The Joint Sub-Registrar-I, NIZAMABAD.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more in the nature of Writ of Mandamus, directing the respondents herein not to recognise and /or register any transfer by any one in respect of the petitioner society colony in Sy.No. 2788/A and 2789, popularly known as Khoja Colony in Nizamabad Town, without the prior permission/No objection Certificate from the Managing Committee of the Petitioner Society, as otherwise the petitioner society will suffer grave and irreparable loss and injury.

Counsel for the Petitioner: Mr.M.VENUGOPAL NAIDU (not present)

Counsel for Respondents : G.P. FOR COOPERATION

The Court at the admission stage, made the following :

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**ORDER:**

None appears for the petitioner.

The petitioner society filed the present writ petiton stating that the society was formed in the year 1973 with Registration No.TJ-487/1973 with the objective to carry on for the benefit of its members with regard to development of land, construction of dwelling houses, to develop colony flat system etc., and for which purpose it has acquired Ac.7-00 of land covering Sy.Nos.2788/A and 2789 of Nizamabad town for the purpose of making them into plots numbering about 49 and allotting the same to its members. It is stated that some of the members of the petitioner society are resorting to transfer their plots in gross violation of byelaws of the society. In view of the same, the present writ petition is filed seeking a direction to the respondents not to recognize and/or register any land in respect of the petitioner society to any third parties unless the managing committee of the petitioner society issues a no objection certificate.

Rule 58 of the A.P. Rules under the Registration Act, 1908 reads as under:

> It forms no part of a registering officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document, but he is bound to consider objections raised on any of the grounds stated below:

a. that the parties appearing or about to appear before him are not the persons profess to be;

b. that the document is forged;

c. that the person appearing has a representative, assign, or agent, has no right to appear in that capacity;

d. that the executing party is not really dead as alleged by the party applying for registration.

In view of the same, it is needless to observe that the registering authority is

not bound to enquire into the title to execute the document. If any member transfers the plot contrary to the bye-laws of the society, it is always open to the petitioner to raise a dispute before the Arbitrator as provided under the A.P. Cooperative Societies Act, 1964.

The writ petition is, therefore dismissed. No costs.

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A.GOPAL REDDY, J

Date: 10.11.2004

DA

To

1 The Divisional Co-Operative Officer, NIZAMABAD.
2 The Joint Sub-Registrar-I, NIZAMABAD.

3 Two CCs to the G.P. for Cooperation, High Court Buildings, Hyderabad (OUT).

4 Two spare copies.